

(b) (1) The unit may adopt a proposed regulation immediately if the unit:

(i) declares that the emergency adoption is necessary;

(ii) submits the proposed regulation to the Committee AND THE DEPARTMENT OF LEGISLATIVE SERVICES, together with the fiscal impact statement required under subsection (c) of this section; and

(iii) has the approval of the Committee for the emergency adoption.

(2) (i) Subject to subparagraphs [(ii) and (iii)] (II), (III), AND (IV) of this paragraph, the approval of the Committee may be given:

1. by a majority of its members who are present and voting at a public hearing or meeting of the Committee; OR

2. IF STAFF OF THE COMMITTEE TRIES BUT IS UNABLE TO CONTACT A MAJORITY OF THE MEMBERS OF THE COMMITTEE IN A TIMELY MANNER AND IMMEDIATE ADOPTION IS NECESSARY TO PROTECT THE PUBLIC HEALTH OR SAFETY, by its presiding Chairman OR, IF ITS PRESIDING CHAIRMAN IS UNAVAILABLE, BY ITS CO-CHAIRMAN[; or

3. if its presiding Chairman is unavailable, by its co-chairman].

(ii) If a member of the Committee requests a public hearing on the emergency adoption of a regulation, the Committee shall hold a public hearing.

(iii) 1. If a public hearing is held on the emergency adoption of a regulation, the Committee may not approve the emergency adoption except by a majority vote of the members present and voting at the hearing or at a meeting of the Committee subsequent to the hearing.

2. If a vote on the emergency regulation is not taken at the public hearing or immediately thereafter, the Committee members shall be provided at least 1 week's notice of the scheduling of any subsequent meeting to vote on the regulation.

(IV) UNLESS THE GOVERNOR DECLARES THAT IMMEDIATE ADOPTION IS NECESSARY TO PROTECT THE PUBLIC HEALTH OR SAFETY, THE COMMITTEE MAY NOT APPROVE THE EMERGENCY ADOPTION OF A REGULATION EARLIER THAN 10 BUSINESS DAYS AFTER RECEIPT OF THE REGULATION BY THE COMMITTEE AND THE DEPARTMENT OF LEGISLATIVE SERVICES.

(3) If there is no request for a public hearing, the staff of the Committee may poll, in person, by telephone, or in writing:

(i) the members of the Committee; or

(ii) if STAFF OF THE COMMITTEE TRIES BUT IS UNABLE TO CONTACT a majority of the members of the Committee [is unavailable] IN A TIMELY MANNER AND IMMEDIATE ADOPTION IS NECESSARY TO PROTECT THE PUBLIC HEALTH OR SAFETY, the presiding Chairman or the co-chairman.